

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

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|-----------------------------|---|------------------------------|
| INDECK KEYSTONE ENERGY LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 04-325 Erie |
| |) | |
| VICTORY ENERGY OPERATIONS |) | Judge Sean J. McLaughlin |
| LLC, |) | |
| |) | |
| Defendant |) | |

ORDER

AND NOW, this _____ day of April, 2007, the Defendant's Motion to Deny and Strike Plaintiff's Claims for Unjust Enrichment and Unfair Competition Given the Existence of an Express Contract that Governed the Parties' Conduct is granted and this Court hereby orders that Plaintiff's claims for Unjust Enrichment and Unfair Competition are hereby denied and stricken to the extent such claims are based on conduct that occurred prior to January 8, 2006.

Sean J. McLaughlin
United States District Judge